



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,067	08/31/2000	Jorg Pietruszka	915.373	4225

4955 7590 12/20/2004

WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

SWERDLOW, DANIEL

ART UNIT PAPER NUMBER

2644

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,067

Applicant(s)

PIETRUSZKA, JORG

Examiner

Daniel Swerdlow

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 14, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 7 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/1/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 recites "the arrangement which contains stored individual values ... is an arrangement for mobile communications". Claim 14, from which Claim 7 depends details the "memory [that] can store the individual values" as being part of "a mobile telephone". As such the limitation of Claim 7 is already included in Claim 14 and Claim 14 is not further limiting.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6 and 7 recite the limitation "the arrangement containing the stored individual values" in their respective 2nd lines. There is insufficient antecedent basis for this limitation in the claims. To advance prosecution to the maximum extent possible, examiner makes prior art rejections based on the interpretation that the recitation is intended as "the mobile telephone containing the stored individual values".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 through 7, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley (US Patent 6,032,089) in view of Riddiford (WO 98/19226).

6. Regarding Claim 14, Buckley discloses a palmtop computer (Fig. 3, reference 306, column 6, lines 47) that downloads (i.e., communicates) personal preference information (i.e., modifiable settings). Buckley further discloses storage of personal preference information (i.e., memory for individual values that represent modifiable settings) for a radio and a seat (i.e., for use in at least one device) (column 6, lines 41-44). Buckley further discloses a keyboard for operation of the palmtop computer (column 2, lines 1-3). Buckley further discloses an infrared wireless link or RS232 bus (Fig. 5, reference 510, 598; column 5, lines 36-44) for downloading (i.e., communicating) personal preference information (i.e., individual values that represent modifiable settings) to a radio and a seat (i.e., at least one device). Buckley further discloses a memory for storage of configuration data (i.e., modifiable settings) (column 3, lines 11-13). Buckley further discloses downloading personal preference information from the palmtop computer to the vehicle via the mounting pod (i.e., connection via the interface for addressing memory to transfer individual values of modifiable settings to the memory of the device). Therefore, Buckley anticipates all elements of Claim 14 except the palmtop computer including a mobile telephone with telephone numbers stored in its memory. Riddiford discloses a

Art Unit: 2644

combination mobile phone and palmtop computer (Fig. 2; page 3, lines 23-29; page 4, lines 16-19). Riddiford further discloses that this arrangement provides great ease of use (page 3, lines 17-21). It would have been obvious to one skilled in the art at the time of the invention to apply mobile telephone integration as taught by Riddiford to the system taught by Buckley for the purpose of realizing the aforesaid advantages.

7. Regarding Claim 3, Buckley further discloses a microprocessor (Fig. 5, reference 502; column 3, lines 4-6) that addresses blocks of memory to provide personal preference information to the various subsystems (i.e., distinguish between telephone numbers and individual values and bring up settings).

8. Regarding Claim 4, Buckley further discloses the microprocessor (Fig. 5, reference 502; column 3, lines 4-6) and operating according to a boot program and a main program (i.e., uses reserved concepts) (column 2, lines 60-62).

9. Regarding Claim 5, Buckley further discloses storage of the personal preference information (i.e., memory for individual values that represent modifiable settings) in the p[almtop computer (column 6, lines 41-44). In order that this information be retrievable, it is inherent that individual values be in reserved areas of memory.

10. Regarding Claim 6, Buckley further discloses downloading (i.e., transferring) personal preference information (i.e., stored individual values) to a radio and a seat (i.e., other arrangements).

11. Regarding Claim 7, as stated above under *Claim Objections*, Claim 7 is not further limiting. As such, it is rejected on the same grounds as Claim 6.

Art Unit: 2644

12. Regarding Claim 16, Buckley further discloses storage and downloading of seat position settings (column 6, lines 41-44).

13. Regarding Claim 17, Buckley further discloses storage and downloading of favorite radio stations (column 6, lines 41-44) and radio volume (column 4, lines 45-46).

Allowable Subject Matter

14. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

16. Regarding Claim 15, in addition to the elements of Claim 14, Buckley discloses the control of a mobile telephone hands-free function (column 5, lines 20-33). However, neither Buckley nor Riddiford discloses or fairly suggests a modifiable setting for the interval between ignition turn-off and hands-free unit turn-off that also determines whether the mobile phone itself is operational. As such, Claim 15 is allowable matter.

Response to Arguments

17. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ds

2



XU MEI
PRIMARY EXAMINER